IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.3430 of 2006

Smt.Thakubai Shivaji Beldare Petitioner
Vs.
Shri Mahadev Sakharam Shendkar & ors. Respondents

Mr.Rajesh More for petitioner.
Mr.L.S.Gaikwad for respondent no.8.

CORAM: B.H.MARLAPALLE,J.

June 05, 2006.

P.C.

. Heard Mr.More, the learned counsel for the petitioner who has filed Regular Civil Suit No.908 of 2005 before the learned Civil Judge Junior Division, Pune and in the said suit she also filed an application at Exhibit 5 for temporary injunction. The said application came to be rejected by the 4th Joint Civil Judge Senior Division on 10/4/2006 and Misc. Civil Appeal No.122 of 2006 was filed challenging the said order. The appeal has been dismissed by the 9th Addl. District Judge at Pune on 26/4/2006. Hence this petition.

. Both the Courts below have held, prima facie, that the petitioner-plaintiff gave up her share in the suit property way back in the year 1989 and again reiterated the said thing by filing affidavit in 1989 before the competent authority and, therefore, there

was no case made out to grant temporary injunction. These concurrent findings do not suffer from any errors apparent on the face of the record so as to interfere in the same by exercising supervisory powers under Article 227 of the Constitution. In any case the suit is pending and any third party interest created henceforth would be governed by the doctrine of proceedings pendente lite under the Transfer of Property Act, 1882.

. The petition is rejected summarily.

(B.H.MARLAPALLE,J.)